

REMARKS

Claims 1-27 are now present in the application. Claims 20-27 have been added. Reconsideration of this application, as amended, is respectfully requested.

Restriction Requirement

Applicant hereby elects Group II consisting of claims 3-13 for initial examination. This election is with traverse.

At the outset, it is respectfully pointed out that claims 20-27 have been added for the Examiner's consideration. Applicant respectfully submits that these claims are readable on the elected invention since they respectively depend from elected independent claims 4, 7 and 11.

The Examiner has set forth the restriction requirement with regard to claims 1-19. The grouping of the claims set forth as follows:

<u>Classification</u>			
<u>Group</u>	<u>Claims</u>	<u>Class</u>	<u>Subclass</u>
Group I	1-2	251	144
Group II	3-13	73	863.86
Group III	14	251	318
Group IV	15-19	71	863.86

In order to be responsive to the Examiner's restriction requirement, Applicant has elected claims 3-13 for initial examination. However, it is respectfully requested that the Examiner reconsider the restriction requirement since no serious burden would be presented to the Examiner by examining all of the claims in a single application.

As set forth in section 843 of the M.P.E.P., the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed;
and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicant respectfully submits that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. The Examiner is respectfully requested to consider all of the claims in the present application and to withdraw the restriction requirement. With specific regard to the claims of Group I, in the Examiner's Office Action dated April 24, 2002, the Examiner has already considered these claims and indicated that these claims are allowable. In view of this, it is respectfully requested that the Examiner consider Group I along with elected Group II in the present application. Applicant

respectfully submits that there cannot be a burden on the Examiner if claims have already been considered and allowed.

In addition to the above, Applicant respectfully submits that the Examiner's restriction requirement is improper, since the Examiner has not shown that the Groups are all distinct from each other. Referring to page 3, paragraphs 1-4 of the Examiner's Office Action, the Examiner has shown that Group I is distinct from Groups II, III and IV in paragraphs 1 and 2. In addition, the Examiner has indicated that Group II is distinct from Group IV in paragraphs 3 and 4. However, the Examiner has not shown any distinction between Group II and Group III and has not shown any distinction between Group III and Group IV.

In view of the above, Applicant respectfully submits that the Examiner has not demonstrated that all of the Groups are distinct from each other. Therefore, the Examiner's restriction requirement is improper and should be withdrawn.

With regard to paragraph 2 of the Examiner's Office Action, the Examiner indicates that Group I and Group III are unrelated. The Examiner bases this position on the fact that the orifice offset feature of the claims of Group III is not required by the claims of Group I. However, Applicant respectfully submits that this does not show that the inventions are not disclosed as capable of use together and that they have different means of operation, different functions or different effects. In view of this,

Applicant respectfully submits that the Examiner has not shown that the claims of Group I and the claims of Group III are unrelated. Applicant respectfully submits that the Examiner's position that Group II and Group IV are unrelated in paragraph 3 of the Examiner's Office Action is also improper for the same reasons.

Finally, Applicant respectfully submits that there are linking claims in the present application, which go against the Examiner's position that a burden has been shown in the present situation. Specifically, originally presented dependent claim 10 recites that the longitudinal axis of the valve body is offset from the longitudinal axis of the orifice. Dependent claim 10 depends from independent claim 4 and therefore, is one of the claims in Group II which has been elected by the present amendment. In addition, additional claims 20-27 also recite subject matter from Groups III and IV, and therefore, these claims are also linking claims which the Examiner should consider at this time.

For the above reasons, Applicant respectfully submits that all of the claims in the present application should be considered by the Examiner. Specifically, Applicant respectfully submits that the Examiner has not shown that the Groups set forth by the Examiner are independent or distinct as claimed. This is especially true with regard to a lack of distinction between Group II and Group III, and Group III and Group IV. In addition, the Examiner is not placed with a burden, since the dependent claims of

the present application, i.e., claim 10 and claims 20-27 require the Examiner to consider the subject matter in Group III and Group IV. Accordingly, Applicant respectfully requests the Examiner to withdraw the restriction requirement and act on all of the claims in the present application.

Favorable action is respectfully solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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